

Anthony Butler to Andrew Jackson, January 2, 1832, from Correspondence of Andrew Jackson. Edited by John Spencer Bassett.

COLONEL ANTHONY BUTLER TO JACKSON.

Mexico City, January 2, 1832.

My dear Sir, Before this letter can reach Washington City you will have the Treaty before you, and my Correspondence on that subject with the Department of State as well as with yourself. Of the Treaty of Commerce¹ I shall at present say nothing but confine myself to the important question of the Treaty of limits negotiated with this Government by my predecessor Mr. Poinsett.² There is no doubt but that the Mexican Government expects both Treaties to be laid before our Senate for their Approbation at the same time, and the additional article intimates as much; whether however after all the delay which has taken place since the Execution of the last mentioned Treaty by the plenipotentiaries (a delay of more than four years and one created solely by their own misconduct) our Government will think proper to submit the boundary Treaty to the Senate is not for me to determine: I may nevertheless be permitted to suppose, that as the delay was on their part, and not on ours, and the Treaty executed under a former Administration of our Government, satisfactory reasons may be found for reviewing the whole subject previous to the final adjustment of a question of such magnitude, and that all the previous proceedings and Negotiation about boundary may be considered as at an end. To this may be added that as the Treaty of 1828 with Mexico merely recognises as a boundary the limits designated by the Treaty of 1819 with Spain, and the latter concluded evidently either without a Correct knowledge of the Topography of the Country or an utter disregard of our true interests in that matter; whether that consideration would not of itself justify the withholding from the Senate that

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Treaty—a Treaty not only unequal and unjust in the Terms stipulated, but destructive to the interests of the Western Country.

1 Treaty of Apr. 5, 1831, negotiated by Butler.

2 Treaty of Jan. 12, 1828; ratifications not exchanged until Apr. 5, 1832.

There has besides a very great change been operated upon public opinion in regard to the Country ceded to Spain by the Treaty of 1819 since that contract was executed, and even admitting that the Mexican Government in their present condition might claim all the advantages which Spain could have done under that Treaty, Then another and more important question would arise. Have we the power of ceding by Treaty Stipulation any portion of Territory once become a part of the United States? It may be inferred however very fairly as I think from the Treaty of 1828 that the Mexican Government do not conceive themselves entitled to consider the Sabine as the boundary to which they would have a right to claim Jurisdiction unless first sanctioned by a Treaty arrangement with ours; and if this position be a correct one we might here make our stand, to place the question once more under Negotiation. I throw out these suggestions hastily for your Consideration.

3 By the treaty of 1819 the United States accepted the Sabine as the western boundary of Louisiana. Butler's suggestion for repudiating that action was as bad morally as it was logically.

As I presume you are still as anxious to procure Texas to be added to the U. States as you were two years since, or at least so much of it as will prevent the dismemberment of the Territory of Arkansas, and give to us the command of all that part whose waters discharge themselves within our limits, and thereby not only preclude the probability of any collision between the two Governments which might grow out of such a State of things, but moreover provide lands for the Indians about to Emigrate to the West, for which purpose I am convinced that you have not at present territory sufficient without sending them North of parallel 42°, it becomes all important that the Treaty entered into with my predecessor

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should not be ratified. By any subsequent Contract on that subject we cannot do worse. my opinion is most decidedly, that we can do better. Nay, open the question once more fairly and leave the whole ground to be acted upon, and I should not despair of inducing the present Administration to grant us all we desire—I mean to grant us as far West as to a line that would divide between us the Grand prairie or desert. If they once decide on yielding us the Territory as far as the Colorado, there would be little difficulty in obtaining the residue. Let me add, that although I do not mean to assert that the ratification of the Boundary Treaty of 1828 will close all prospect of obtaining a different boundary hereafter, yet it will most assuredly multiply greatly the difficulties to be encountered in a negotiation with that view. The Mexican Government with that Treaty opposed to our pretensions, may notwithstanding be induced to yield us a portion of the Territory they would have a right to claim under it. A man of Address, and tact and Talent might do much, but most certainly if that obstacle does not exist the labour would be less, the difficulties to overcome fewer and the probability as well as the extent of the success much greater.

I will not dilate on the question how far the ratification of the Treaty of 1819 was a Usurpation of power on the part of the Senate of the U. States, because you are surrounded by Counsellors much more competent to discuss that question than I can be, and who will no doubt do so whilst considering the propriety of submitting that of 1828 to the Senate. It seems to me however sufficiently clear that in ratifying the Treaty of 1819 the Senate acted upon those latitudinarian doctrines, of inferring the possession of all power not expressly prohibited to them, instead of abstaining from the exercise unless specifically delegated. Upon such assumption it must have been that the Treaty referred to was confirmed which ceded to a foreign Government a part of the Territory of the U. States. It is full time that better land marks were established, and I sincerely hope that your Administration will have the credit amongst other benefits conferred on our Country, that of bringing back the Text of the Constitution to its true reading.

Having said all that is perhaps necessary on the subject of Texas, and suggested the probabilities of our acquiring the Territory, let me add a few words for myself. You are

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not ignorant of the disadvantages under which I commenced in Mexico; You know the weight of prejudice, suspicion, and bad feeling that prevailed against the Govern't and people of the U. States generally, and the odium engendered against my predecessor; all of which was transferred to me in advance, and the first notice taken by the Newspapers of my Arrival in this Capital, and even before I had obtained an Audience for delivering my credentials, was to attack my character, misrepresent the objects of my mission, and identify me in the hate they bore towards Mr. Poinsett. Add to all my other difficulties that I was a stranger to the language of the Country, without a Secretary or any one in whom I dared place confidence to act as the medium of communication between me and those with whom it was proper to cultivate intercourse and thereby dissipate the prejudices under which I was daily suffering, and you may imagine a part of my difficulties and understand how embarrassing was my situation.

To acquire a foreign language at my period of Life you will admit was a task of no easy accomplishment and would require great labor, application and attention. And I can assure you that for the first eight months of my residence here, every hour not occupied by the duties of the Legation was devoted to the study of the Castillian Language. Thus much for part of the labors I have performed, and when it is recollected that my correspondence with our Consuls, as well as with our Merchants and Traders located in almost every part of the Mexican Confederacy from Yucatan to Santa Fé, and who were complaining of or asking something by every mail, with all the writing and copying to be performed by myself without even the occasional assistance of a Clerk I think it will be admitted that the Office I fill is no sinecure.

But this is not all, for in a place so expensive as Mexico my present Salary is insufficient to support me in the manner which my Station compels me to live. You will admit that it is necessary for me to be in Society and to maintain free intercourse with those from whom I expect to derive advantage; if I do this, and accept their Civilities and enjoy their hospitality, they must partake in turn of mine, and notwithstanding this is done as sparingly and œconomically as possible, and so much so as to have drawn forth remarks

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on the difference between Mr. Poinsett's entertainments and mine, and inferring from this difference my parsimony, still the drain of an occasional dinner party once in about three months is more than my allowance will bear. A tolerable dinner in Mexico will cost \$10 a head including Wine, so that such entertainments never Cost me less than \$250, and one in each quarter if no more is a deduction of \$1000 from my Salary. The single item of House Rent is \$1200 per Annum, and a servant of character will cost you \$18 to \$20 pr. month, and these two items as a fair sample, shew clearly how inadequate is the pay I receive to the expences I incur.

Now you will ask perhaps what does all this mean? Why simply and plainly my D'r Sir this—that my Salary may be augmented, and that a Secretary may be allowed me. I believe it has at all times been customary with our Governm't whenever any interesting question occurred, to send abroad an additional Envoy in aid of the Minister resident. Such was the case in 1796 when Mr. Pinckney was sent to Spain—the same in 1798 or '99 with France; again in the Treaty for the Cession of Louisiana, and so also with the Commercial Convention with England in 1815, and many other similar Cases that my Memory will not permit me to refer to specifically, but which you will doubtless call to mind as precedents: Now I do not ask for, expect, or even wish for an adjunct in the Negotiation for T.—on the contrary it is my firm conviction that I can do better with these people alone: I know them, and they know me. All that I wish is to give me the rank of Envoy Extraordinary, send me full powers and any additional instructions that may be necessary on the subject of T., and my life on it the affair is settled in less than five months.

The occasion I think justifies the proceeding, the magnitude and interest of the question pending would in conformity with all previous practice under our Government warrant the expectation. And to all this let me add that the Mexican Govt. will themselves expect such a Compliment to be paid them, as seeing once more a Minister Plenipotentiary from the U. States located here. I know that they have complained of our treatment in this respect—their Jealousy has been roused. They say that we maintain a Minister plenipotentiary at Colombia, a power acknowledged to occupy a Rank below them in the list of the New

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Republics of America, Whilst Mexico which is admitted by Universal consent to be the head and Chief from her Superior extent of Territory, her population and Resources sees at her Court a Chargé d'Affaires. They add moreover, that untill very recently they have been always represented at Washington by a Minister of the first Grade, and that the departure was forced on her by the course pursued on our part, and that if she omitted to appoint a Minister plenipotentiary at the time Mr. Montoya was named, it resulted from the Conviction, (after having Col. Tornell⁴ in the U. States for more than 12 months), that the Courtesy would not be extended to them. It has been added in remarks to me "But we hope after the Treaty is concluded to see a Minister Plenipotentiary in our Capital", And let me tell you that the conduct of France who has very lately advanced her Minister one grade immediately *on merely signing* the Treaty will not

4 Meaning José Maria Tornel, envoy extraordinary from Mexico Feb. 16, 1830–June 6, 1831.

have a tendency to tranquillize them under a disappointment, for although the Treaty with France has been rejected by the Mexican Congress, yet the Rank of Minister Plenipotentiary still continues, and a new Treaty will be commenced. Now I confess very frankly that I should not have noticed this Complaint on the part of Mexico had I not felt it indispensable on my own account that my Salary should be increased and knowing that it could not be done unless in the mode of changing my Rank; At the same time it is proper to express my belief that such a measure might contribute to our success in any future Negotiation by conciliating the Temper and flattering the Vanity of these people.

After all I have said, it may not comport with the opinions that you and the Cabinet entertain to make such a change, or if you do, that some other may be deputed the Representative of our Government here. Well Sir to this I can have nothing to object. I can only say that I have labored faithfully, and have done all that under the Circumstances it was in my power to perform, and retire when I may, shall do so with the consciousness of having performed my duty to the full extent that a faithful vigilance and industry enabled me to achieve. At the period of life to which I have advanced You well know that there

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is no time to spare. You know moreover that during the last five or six years I have been compelled to sacrifice on account of Obligations incurred unfortunately for others, the greater part of what might well have been deemed a very competent Estate—had this incident never occurred I would not now have complained of deficiency in Salary, but cheerfully contributed from my own means, what was necessary in addition, and even as it is I have been already compelled to draw on my private funds although so little able to afford the Aid. I cannot think the Governm't would desire the services of any Citizen to engage in a responsible and laborious employment without at least providing an ample subsistence. If therefore it is decided that no increase of Rank is to be allowed me, I can only add that my desire is to be permitted to retire from the Station I now occupy, and this may be the more confidently expected on my part after having closed as I hope satisfactorily the Negotiation with which I was charged.

Whoever my Successor may be I think I have it in my power to afford him such information when he arrives as I feel confident if employed judiciously cannot fail to result in the acquisition of all we desire in regard to T. Should it be decided to continue me in this Legation, I must request that the Secretary sent me, be a good Spanish Scholar, that is he must both speak and write the Castillian with ease and correctness, for if he does not, the burden of my duties will be but little lessened; If you have no gentleman such as I describe ready for the Station, then suffer the Secretaryship to remain open, and I will employ one pro. tem. amongst our Citizens in Mexico.

I shall in a few days make a journey North with General Mason and hope on my return to hear something definitively from you. With best Wishes for your health, happiness and increased Glory, I remain My dear Sir now as ever most truly yours